

1 Anthony L. Martin
 2 Nevada Bar No. 8177
 3 anthony.martin@ogletreedeakins.com
 4 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
 5 10801 W. Charleston Blvd.
 6 Suite 500
 7 Las Vegas, NV 89135
 Telephone: 702.369.6800
 Fax: 702.369.6888

8 *Attorneys for Defendant Mercy, Inc.*

9 **UNITED STATES DISTRICT COURT**

10 **FOR THE DISTRICT OF NEVADA**

11 DUSTIN ALLEN, an individual,

12 Plaintiff,

13 MERCY, INC., a domestic corporation,

14 Defendant.

15 Case No.: 2:24-cv-01193-GMN-NJK

16 **STIPULATION AND ORDER TO EXTEND
DISPOSITIVE MOTION DEADLINE**

17 **(SECOND REQUEST)**

18 Defendant Mercy, Inc. (“Defendant”), and Plaintiff Dustin Allen (“Plaintiff”) (collectively
 referred to as “Parties”), by and through their respective counsel, hereby submit the following
 Stipulation and Order to Extend Dispositive Motion Deadline (Second Request), pursuant to Local
 Rule 7-1 and 26-3.

19 As detailed further herein, the additional time is necessary to allow for further exploration
 20 of possible resolution. The Parties do not seek an extension of discovery, rather, the Parties agree
 21 to extend dispositive motion scheduling deadlines.

22 This is the Second request for an extension of these deadlines. This request is made in good
 23 faith and is not for the purpose of delay. Further, while the Parties are certainly mindful of the
 24 Court’s interest in the expeditious completion of discovery, the Parties have been conducting
 25 discovery and there is good cause for the extension sought herein. Pursuant to LR 26-4, the Parties
 26 provide the following information to the court in connection with their request for an extension of
 27 the dispositive motion deadline:

1 **I. Statement of Discovery that has been Completed**

2 The Parties served their initial disclosures on September 11, 2024. Plaintiff supplemented
3 his disclosures on October 2, 2024; November 6 and 20, 2024; December 2 and 6, 2024; January
4 14, 2025; and February 7, 2025, Defendant supplemented its disclosures on November 4, 2024;
5 December 23, 2024; January 13, 2025; and February 7, 2025.

6 On September 26, 2024, Plaintiff served his first set of written discovery on Defendant, and
7 Defendant responded on November 4, 2024, and supplemented its responses on December 23,
8 2024, and January 13, 2025. On October 30, 2024, Defendant served its first set of written
9 discovery on Plaintiff, and Plaintiff responded on December 2, 2024, and supplemented his
10 responses on January 14, 2025, and February 7, 2025. On November 20, 2024, Plaintiff served his
11 second set of written discovery on Defendant. Defendant served its responses on January 13, 2025.
12 On January 6, 2025, Plaintiff served his third set of written discovery on Defendant. Defendant
13 served its responses on February 7, 2025. On January 16, 2025, Plaintiff served his erroneously
14 titled third set of written discovery on Defendant but properly notated as his fourth set of written
15 discovery. Defendant served its responses on Monday, February 17, 2025.

16 On December 18, 2024, Plaintiff served his initial expert witness disclosures, identifying
17 two expert witnesses – Eric Knowles and Phillip Sidlow.

18 Plaintiff took the depositions of two fact witnesses, Audra Rosenthal and Stephanie Teague,
19 on February 5, 2025. Defendant took Plaintiff's deposition on February 14, 2025. Plaintiff took
20 Kirk Schmitt's deposition February 24, 2025, and fact Glenn Kaspryzk on March 13, 2025.
21 Defendant took depositions of expert witnesses Eric Knowles on March 5, 2025, and Phillip D.
22 Sidlow on March 10, 2025.

23 **II. Remaining Discovery To Be Completed**

24 Discovery closed on March 18, 2025. The Parties are currently re-exploring resolution.

25 **III. Reason Discovery Cannot Be Completed Within The Original Deadline**

26 All discovery is completed.

27 ///

28 ///

1 **V. Proposed Schedule for Completing all Remaining Discovery**

2 All discovery in this case has and will continue to be conducted in accordance with the
3 Federal Rules of Civil Procedure and applicable Local Rules of this District Court. The Parties
4 propose to the Court the following deadlines:

5 **a. Dispositive Motions:** Dispositive motions shall be filed not more than forty-five
6 (45) days after the current dispositive motion date and, therefore, not later than **Monday, June 2,**
7 **2025.**

8 **d. Pretrial Order:** The Pretrial Order shall be filed not later than **Wednesday, July 2,**
9 **2025**, thirty (30) days after the deadline for filing dispositive motions date of June 2, 2025, in
10 accordance with LR 26-1(b)(5). In the event dispositive motions have been filed, the Pretrial Order
11 shall be suspended until thirty (30) days after a decision of the dispositive motions or further order
12 of the Court.

13 **e. Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P.
14 26(a)(3) and any objections thereto, shall be included in the final Pretrial Order in accordance with
15 LR 26-1(b)(6).

16 ///

17 ///

18 ///

19

20

21

22

23

24

25

26

27

28

1 **f. Extensions or Modifications of the Discovery Plan and Scheduling Order:** In
2 accordance with LR 26-3, a stipulation or motion for modification or extension of this discovery
3 plan and scheduling order and any deadline contained herein, must be made not later than twenty-
4 one (21) days before the subject deadline.

5 DATED this 16th day of April, 2025.

6 LAGOMARSINO LAW

7 */s/ Taylor Jorgensen*

8
9 Andre M. Lagomarsino
Nevada Bar No. 6711
10 Taylor Jorgensen
Nevada Bar No. 16259
11 3005 W. Horizon Ridge Pkwy, #241
Henderson, Nevada 89052

12
13 *Attorneys for Plaintiff*

DATED this 16th day of April, 2025.

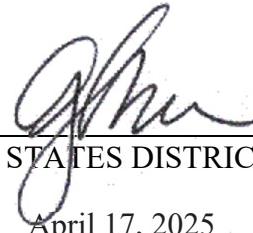
OGLETREE, DEAKINS, NASH, SMOAK & STEWART,
P.C.

/s/ Anthony L. Martin

Anthony L. Martin
Nevada Bar No. 8177
10801 W. Charleston Blvd.
Suite 500
Las Vegas, NV 89135
Telephone: 702.369.6800
Fax: 702.369.6888

Attorneys for Defendant Mercy, Inc.

16 **ORDER**



17 UNITED STATES DISTRICT JUDGE

18 DATED: April 17, 2025